

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION      FILED IN OPEN COURT

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. )  
DAVID GILES, )  
Defendant. )  
TIME: 3:14 PM  
INITIALS: JG  
Criminal No. 04-20058-D

## **PLEA AGREEMENT**

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the attorney for the United States, the attorney for DAVID GILES, and DAVID GILES have reached an agreement that contemplates the entry of a plea of guilty by DAVID GILES in this case. The full and complete plea agreement is as follows:

1. DAVID GILES agrees that he will enter a voluntary plea of guilty to Count 1 of Indictment number 04-20058 charging a violation of 18 U.S.C. § 922(g).
  2. DAVID GILES agrees that he is pleading guilty because he is in fact guilty of the offense charged in the Indictment.
  3. DAVID GILES acknowledges that he has been advised and does fully understand the following:
    - a. The nature of the charge to which the plea is offered and the maximum possible penalty provided by law;
    - b. That he has the right to be tried by a jury, and at that trial he has the right to the assistance of counsel, the right to confront and cross-examine witnesses against him, and the right not to be compelled to incriminate himself; and,

- c. That if he pleads guilty, there will not be a trial of any kind, so that by pleading guilty, he waives the right to a trial.
- 4. DAVID GILES understands that the offense to which he is pleading guilty is subject to the provisions and guidelines of the "Sentencing Reform Act of 1984" and that the applicable guidelines are contained in the United States Sentencing Guidelines Manual.
- 5. The United States agrees not to oppose a full reduction for acceptance of responsibility provided that the defendant's conduct up to and including his sentencing date is consistent with an acceptance of responsibility and he receives no enhancement for obstruction of justice.
- 6. Should it be judged by the United States that the defendant has committed or attempted to commit any additional crimes or has engaged in any conduct constituting obstructing or impeding justice from the date of the defendant's signing of this plea agreement to the date of the defendant's sentencing, or if the defendant attempts to withdraw his plea, the United States will be released from its obligations and would become free to argue for any sentence within statutory limits. Such a breach by the defendant would not release the defendant from this plea of guilty.
- 7. DAVID GILES agrees that this plea agreement constitutes the entire agreement between him and the United States and that no threats or promises have been made to induce him to plead guilty.
- 8. There has been no representation made whatsoever by any agent or employee of the United States as to what the final disposition of this matter will be.
- 9. DAVID GILES agrees to pay a mandatory \$100.00 special assessment for each count to which he is pleading guilty.
- 10. DAVID GILES has discussed the terms of the foregoing plea agreement with his attorney and is satisfied with his attorney and his advice and counsel. Being aware of all the possible consequences of his plea, DAVID GILES has independently decided to enter his plea of guilty of his own free will, and affirms this agreement on the date and by his signature below.

11. No promises, agreements or conditions have been entered into other than those set forth in this agreement, and none will be entered into unless memorialized in writing and signed by all of the parties listed below.

FOR THE UNITED STATES

TERRELL L. HARRIS  
United States Attorney

Stephen P. Hall  
STEPHEN P. HALL  
Assistant United States Attorney  
800 Federal Building, 167 North Main  
Memphis, TN 38103  
(#016720 Tennessee)

3-30-05

Date

Leslie Ballin by BB  
LESLIE BALLIN  
Attorney for DAVID GILES

3-30-05

Date

David Giles  
DAVID GILES  
Defendant

3-30-05

Date



# Notice of Distribution

This notice confirms a copy of the document docketed as number 41 in case 2:04-CR-20058 was distributed by fax, mail, or direct printing on April 4, 2005 to the parties listed.

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US Pretrial Office  
Memphis, TN

US Marshals  
Memphis, TN

US Probation Office  
Memphis, TN

Honorable Bernice Donald  
US DISTRICT COURT